

Application No.: 10/759,319
Amendment dated August 4, 2005
Reply to Office Action of May 4, 2005

Atty. Docket 74-HA-133457/10081-010

REMARKS

Applicant is appreciative of the Examiner's efforts in trying to conduct a thorough and concise examination. Claims 1-12 stand rejected as being anticipated by US patent No. 4,023,753 (hereinafter referred to as Dobler). Claim 3 stands rejected as being unpatentable over Dobler in view of US patent No. 6,314,345 (hereinafter referred to as Coombes). Reconsideration of the rejections and objections is solicited in view of the foregoing amendment and the following remarks.

Claims 1, 5-7, 9 and 10 have been amended. Claims 8 and 11-12 have been cancelled. Claims 1-7, 9 and 10 are pending in the present application.

Anticipation Rejections

Regarding any rejection under §102, it is noted that the test for anticipation is whether all the elements and operational relationships of the rejected claim are found within a single prior art reference. There must not be any differences between the claimed invention and the reference disclosure as viewed by a person of ordinary skill in the art. Absent from the reference disclosure of any claim element and/or operational interrelationship negates anticipation under §102.

Claim 1 is directed to a communications device to be carried by an operator for controlling operation of an unmanned locomotive over a track layout in a train yard. The communications device comprises a first user display for use by the operator in commanding a desired destination for the locomotive within the track layout by setting the state of the switches along the route to the destination. The communications device further comprises a second user display for use by the operator in controlling movement of the locomotive along the track layout. The combination of the first and second user displays in the communications device allows respective command and control operations to be performed by the

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same operator with respect to the unmanned locomotive for performing train yard activities. Dobler describes a control system for controlling driverless vehicles. A destination select equipment 107 (FIG. 5) is disposed at each station to enable passengers to enter their destination. A destination display 113 is provided at the station to inform the passengers on the platform 108 of the destination of the vehicle now in the station so that the passengers can board if the destination displayed in display 113 is his selected destination. See col. 15, lines 13-17. As described and illustrated by Dobler, neither the destination select equipment 107 nor the display 113 is to be carried by any operator. Moreover, Dobler fails to describe any user display to be carried by the same operator that commands a desired destination for controlling movement of the locomotive along the track layout. Thus, Dobler fails to teach or suggest the combination of first and second user displays in a communications device to allow respective command and control operations to be performed by the same operator with respect to the unmanned locomotive for performing train yard activities. If anything Dobler teaches away from the claimed invention being that Dobler relies on a system management center SMC (FIG. 4) in order to control the movement of the vehicles. It should be clear that in Dobler's control system the passenger is not provided with any display device for controlling the vehicle. By way of comparison, in train yard applications it is advantageous to provide a device that enables command and control operations to be performed by the same operator with respect to the unmanned locomotive during train yard activities. In view of the foregoing remarks, it is respectfully submitted that Dobler does not describe the structural and/or operational relationships set forth in claim 1. Consequently, Dobler fails to anticipate claim 1 under the §102 statutory requirements and this rejection should be withdrawn.

Claims 2-4, 9 and 10 depend from claim 1 and thus incorporate the structural and/or operational relationships set forth in claim 1 plus their own recitations. It is respectfully submitted that the Dobler reference also fails to

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anticipate claims 2-4, 9 and 10 under the §102 statutory requirements and these rejections should be withdrawn.

Claim 5 is directed to a communications device to be carried by an operator for controlling operation of an unmanned locomotive over a track layout in a train yard. The device comprises a user display enabling the operator to command a desired destination for the locomotive within the track layout by the operator setting the state of the switches along the route to the destination without intervention from other personnel. Firstly, Dobler fails to describe any communications device to be carried by an operator. Secondly, Dobler's input device merely allows the passenger to enter a destination, such as stations HP1, HP2 . . . HP5. However, this is different than allowing the operator to set the state of the switches along the route. It appears than in Dobler this functionality is executed by the system management center (SMC) and not by the passenger. Thus, it is respectfully submitted that Dobler does not describe the structural and/or operational relationships set forth in claim 5. Consequently, Dobler fails to anticipate claim 5 under the §102 statutory requirements and this rejection should be withdrawn.

Claim 6 is directed to a communications device to be carried by an operator for controlling operation of an unmanned locomotive over a track layout in a train yard. The device comprises a graphical user interface for use by the operator for commanding a desired destination for the locomotive within the track layout. The graphical user interface is configured to display to the operator a representation of the track layout, wherein the representation allows the operator to monitor operational conditions of the switches that may develop along the route of the locomotive. Firstly, Dobler fails to describe any communications device to be carried by an operator. Secondly, Dobler fails to describe any communications device having a graphical user interface configured to display to the operator who carries the device a representation of the track layout, wherein the representation allows the operator to monitor operational conditions of the switches that may develop along the route of the locomotive. It should be

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apparent that the control system of Dobler is not concerned with providing any of the foregoing information to the passenger. The destination display 113 provided at the station merely informs the passengers on the platform 108 of the destination of the vehicle now in the station so that the passengers can board if the destination displayed in display 113 is their selected destination. However, this has nothing to do with monitoring operational conditions of the switches that may develop along the route of the locomotive. Thus, it is respectfully submitted that Dobler does not describe the structural and/or operational relationships set forth in claim 6. Consequently, Dobler fails to anticipate claim 6 under the §102 statutory requirements and this rejection should be withdrawn.

Claim 7 is directed to a communications device to be carried by an operator for controlling operation of an unmanned locomotive over a track layout in a train yard. The communications device comprises a user display to be used by the operator for commanding a desired destination for the locomotive within the track layout. The user display is responsive to a verification message indicative of whether a switching combination for the locomotive route for reaching the desired destination has been executed. Firstly, Dobler fails to describe any communications device to be carried by an operator. Secondly, Dobler fails to describe any user display configured to indicate to the operator who carries the display whether a switching combination for the locomotive route for reaching the desired destination has been executed. It should be apparent that the control system of Dobler is not concerned with providing any of the foregoing information to the passenger. Thus, it is respectfully submitted that Dobler does not describe the structural and/or operational relationships set forth in claim 7. Consequently, Dobler fails to anticipate claim 7 under the §102 statutory requirements and this rejection should be withdrawn.

Obviousness Rejection

In connection with claim 3, the Office Action acknowledges that Dobler fails to disclose that the first and second user displays are made on two display devices, one for each display. Coombes is applied to purportedly remedy the

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foregoing deficiency. Firstly, Coombes does not remedy the fundamental deficiencies of Dobler noted above. Secondly, the passage of Coombes cited in the Office Action (columns 3-4, lines 25-29) makes reference to two interfaces, a pneumatic interface 5 and a train line interface 6. These interfaces actually provide physical connections with locomotive equipment, such as pneumatic equipment and train lines. However, this is very different than the operational relationships provided by the claimed display devices. It is respectfully noted that one of the required elements for sustaining a *prima facie* rejection is whether there is some teaching or suggestion in the prior art references to support their use to reject the claimed invention. The Board of Appeals of the Patent Office has explained that when the incentive to combine the teachings of the references is not readily apparent, it is the duty of the Examiner to explain why a given combination of references is proper. See M.P.E.P. § 2142 and 2143. Absent such reasons or incentives, the teachings of the references are not combinable. In this case is not clear why interfaces for onboard locomotive equipment are relevant to a communications device with display devices useful to an offboard operator. In view of the foregoing remarks, it is respectfully submitted that the combination of Dobler and Coombes fails to sustain a *prima facie* obviousness rejection. Moreover, it is respectfully submitted that the Dobler/Coombes combination does not teach or suggest the structural and/or operational relationships set forth in claim 3. Consequently, the Dobler/Coombes combination fails to render claim 3 unpatentable under the §103 statutory requirements and this rejection should be withdrawn.

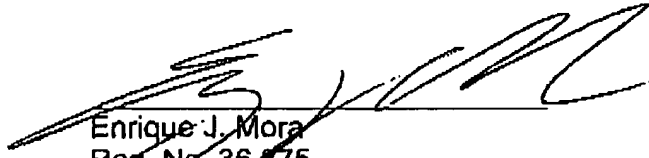
It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed. If the prosecution of this application can be facilitated via telephone conference, the Examining Attorney is welcomed to contact the undersigned at (407) 926-7705.

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Respectfully submitted,



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